

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	ELAINE E. BUCKLO	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	07 C 7221	DATE	4/22/08
CASE TITLE	DeValius McDonald (#055990) vs. Dr. Kim		

DOCKET ENTRY TEXT:

The plaintiff is ordered to show good cause in writing within fourteen days why the complaint should not be dismissed for want of prosecution/for failure to comply with a court order. Failure to show cause within fourteen days of the date of this order will result in summary dismissal of this case, with prejudice.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

The plaintiff, a former inmate at the Kane County Jail, has brought this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. The plaintiff claims that the defendant, a staff physician at the jail, violated the plaintiff's constitutional rights by acting with deliberate indifference to his serious medical needs.

On March 5, 2008, the defendant filed a motion to dismiss the complaint for failure to state a claim. The defendant persuasively argues that a difference in opinion regarding a course of medical treatment does not implicate the Constitution, and that the defendant did not act with deliberate indifference to a serious medical need. Although given the opportunity to respond to the motion, *see* briefing schedule entered March 13, 2008, the plaintiff has not filed an opposing brief. Furthermore, the plaintiff has failed to file an updated application for leave to proceed *in forma pauperis* as directed. *See* Minute Orders of March 5 and March 18, 2008. It would appear that the plaintiff may have lost interest in pursuing his claims in light of his release from incarceration.

For the foregoing reasons, the plaintiff is ordered to show good cause in writing why the complaint should not be dismissed for want of prosecution/for failure to comply with a court order. Failure to show cause within fourteen days of the date of this order will result in summary dismissal of this case with prejudice, on the understanding that the plaintiff has abandoned interest in proceeding with this lawsuit.

mjm